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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,514	02/21/2001	Yukihiro Abiko	826.1680/JDH	7937

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EXAMINER	
AZAD, ABUL K	

ART UNIT	PAPER NUMBER
2626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/788,514	ABIKO ET AL.	
	Examiner	Art Unit	
	ABUL K. AZAD	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 February 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is in response to the communication filed on February 21, 2007.

2. Claims 1-22 are pending in this action.

3. The applicant's arguments with respect to claims 1-22 have been fully considered but they are not deemed to be persuasive. For examiner's response to the applicant's arguments or comments, see the detailed discussion in the Response to the Arguments section.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-6, 9-13 and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Taniguchi et al. (US 6,484,137).

As per claim 1, Taniguchi teaches, "a data reproduction device for reproducing compressed multimedia data, including audio data", comprising:

"an extraction unit extracting a frame, which is unit data of the audio data" (Fig. 14, element 101 "frame unpacking means");

"a speed conversion unit speed converting the extracted frame by thinning out the extracted frame or repeatedly outputting the frame prior to decoding of the audio data" (Fig. 14, element 12-1-2 and Fig. 26, element "decoded said information"); and

"a decoding unit decoding the speed converted frame" (Fig. 26, element "decoded said information" and "audio output"); and

"a reproduction unit reproducing audible sound represented by the audio data from the decoded frame" (Fig. 14, element 104).

As per claim 2, Taniguchi teaches, "a data reproduction device for reproducing compressed multimedia data, including audio data and also converting reproduction speed without decoding compressed audio data", comprising:

"an extraction unit extracting a frame, which is unit data of the audio data" (Fig. 14, element 101 "frame unpacking means");

"a setting unit setting a reproduction speed of the audio data" (Fig. 1, element 2, playback speed detector);

"a speed conversion unit speed converting the extracted frame by thinning out the extracted frame or repeatedly outputting the extracted frame prior to decoding of the audio data" (Fig. 14, element 12-1-2 and Fig. 26, element "decoded said information"); and

"a decoding unit decoding the speed converted frame" (Fig. 26, element "decoded said information" and "audio output"); and

"a reproduction unit reproducing audible sound represented by the audio data from the decoded frame" (Fig. 14, element 104).

As per claim 3, Taniguchi teaches, "wherein the audio data are MPEG audio data" (Fig. 14, element "MPEG Audio Bitstream").

As per claim 4, Taniguchi teaches, "a scale factor extraction unit extracting a scale factor included in the frame" (col. 25, lines 18-67);

"a calculation unit calculating an evaluation function from the extracted scale factor" (col. 25, lines 56-67); and

"a control unit comparing a calculation result of the calculation unit with a prescribed threshold value and controlling not to transmit a corresponding frame to said speed conversion unit for speed converting if the calculation result is smaller than the threshold value" (col. 26, lines 1-21).

As per claim 5, Taniguchi teaches, "wherein said calculation unit calculates an evaluation function based on a plurality of scale factors included in the frame" (col. 25, lines 56-67).

As per claim 6, Taniguchi teaches, "a scale factor conversion unit generating a scale factor conversion coefficient for compensating for a discontinuous fluctuation of an acoustic pressure caused in a joint between frames, calculating the scale factor and scale factor conversion coefficient and inputting them as data to be decoded to said decoding unit if a plurality of scale factors included in the frame are reproduced by said reproduction unit" (col. 26, lines 22-45).

As per claims 9-13 and 16-20, they are interpreted and thus rejected for the same reasons set forth in the rejection of claims 1-6.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 7-8, 14-15 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taniguchi et al. (US 6,484,137) as applied to claims 2, 9 and 16 above, and further in view of Okada et al. (US 5,809,454).

As per claim 7 and 8, Taniguchi does not explicitly teach, "which receives multimedia data, including both video data and audio data", further comprising:

"a separation unit breaking down the multimedia data into both video data and audio data";

"a decoding unit decoding the video data"; and

"a video reproduction unit reproducing the video data";

"wherein each piece of the video data and audio data is structured as MPEG data" .

However, Okada teaches, "which receives multimedia data, including both video data and audio data" (col. 5, lines 48-64), further comprising:

"a separation unit breaking down the multimedia data into both video data and audio data" (Fig. 1, element 13, DMUX);

"a decoding unit decoding the video data" (Fig. 1, element 12, MPEG video decoder); and

"a video reproduction unit reproducing the video data" (Fig. 1, element 22, display).

Okada also teaches, "wherein each piece of the video data and audio data is structured as MPEG data" (col. 5, lines 48-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to receive multimedia MPEG data including both video data and audio data and reproduced video data as teach by Okada in the invention of Taniguchi's MPEG audio reproduction device/method because Okada teaches his invention capable of reducing the time lag between the generation of voices and the movement of moving pictures, and video decoder to produce a naturalistic output (col. 3, lines 59-67).

Claims 14-15 and 21-22, they are interpreted and thus rejected for the same reasons set forth in the rejection of claims 7-8.

Response to Arguments

8. Applicant argues that Taniguchi does not teach or suggest a speed conversion unit speed converting the extracted frame by thinning out the extracted frame or repeatedly outputting the extracted frame prior to decoding of the audio data as recited, for example, in claim 1.

The examiner disagrees with the arguments presented by the applicant because Taniguchi teaches at Fig. 14, speed information is given to the control means to the unpacked frame before decoding the audio data at element 103. Therefore, Taniguchi teaches, a speed conversion unit thinning out a frame or repeatedly outputting the frame prior to decoding of the audio data.

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(571) 272-7599.** If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Patric Edouard**, can be reached at **(571) 272-7603.**

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Or faxed to: **(571) 273-8300.**

Hand-delivered responses should be brought to **401 Dulany Street, Alexandria, VA-22314** (Customer Service Window).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 10, 2007

Abul K. Azad
Primary Examiner
Art Unit 2626